THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27894 OF 2005

Dt.29.12.2005

Between:

S.Bhaskar Reddy … Petitioner

And

The Joint Collector, Kurnool and

2 others … Respondents

ORDER:

The petitioner has been appointed as the fair price shop dealer of Ontivelagala Village, Gospadu Mandal, Kurnool District in the year 1995 and he has been distributing essential commodities without any complaints whatsoever. It is stated that the Revenue Divisional Officer, Nandyal, who is the appointing authority, cancelled the authorization of the petitioner by the impugned order dated 16.11.2005 on the ground that a complaint has been given against the petitioner stating that the petitioner has been elected as President, Primary Agriculture Co-operative Society, Gospadu and on the said complaint the Mandal Revenue Officer enquired the matter and reported that the petitioner has been elected as such and therefore the petitioner is not desirable to continue as fair price shop dealer of the said village. It is further stated that the continuance of

the petitioner as fair price shop dealer is contrary to certain clauses of the A.P.State Public Distribution System Control Order, 2001 and therefore the authorization of the petitioner has been cancelled. The petitioner is not disputing the fact that he has been elected as President of the Primary Agriculture Co-operative Society, Gospadu. The only grievance of the petitioner is that the impugned order of cancellation is passed without giving notice or reasonable opportunity to the petitioner, which is illegal, and against the principles of natural justice and contrary to Clause 5(4) of the Control Order. Clause 5(4) of the Control Order contemplates that without making an enquiry the authorization cannot be cancelled or suspended. Enquiry includes notice by following the principles of natural justice. It is further stated that if notice is issued, it is for the petitioner to choose any one of the posts either the dealership of the fair price shop or the President of the Primary Agriculture Co-operative Society.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

Having regard to the facts and circumstances of the case, I am of the opinion that the impugned order dated 16.11.2005 is contrary to sub-clause (4) of Clause 5 of the Control Order. Thus, the impugned order is liable to be set aside as being violative of the principles of natural justice and the mandatory requisite of enquiry has to be contemplated. Accordingly, the impugned order dated 16.11.2005 passed by the 2nd respondent is set aside and the 2nd respondent is directed to issue notice and pass appropriate order in accordance with law.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

29.12.2005

Note: Issue copy within two days.

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